REMARKS

CLAIM REJECTIONS – 35 U.S.C. §103 OVER AKHTERUZZAMAN IN VIEW OF WEINMAN

Claims 1, 3-5, 8, 10-12, 15, and 17-19 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Akhteruzzaman, *et al.* (U.S. Publication No. US 20030169857 A1) in view of Weinman, Jr. (U.S. Patent No. US 6,658,455 B1). To establish a prima facie case of obviousness, three basic criteria must be met. *Manual of Patent Examining Procedure* §2142. The first element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a suggestion or motivation to combine the references. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The second element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a reasonable expectation of success in the proposed combination of the references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). The third element of a prima facie case of obviousness under 35 U.S.C. § 103 is that the proposed combination of the references must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). As will be shown below, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness. Applicants, therefore, respectfully traverse each rejection. The rejection of claims 1, 3-5, 8, 10-12, 15, and 17-19 should be withdrawn and the case should be allowed.

The Proposed Combination Of Akhteruzzaman And Weinman Does Not Teach or Suggest All Claim Limitations Of Claim 1

The proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness. To establish a prima facie case of obviousness, the proposed combination of Akhteruzzaman and Weinman must disclose or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Akhteruzzaman generally discloses a calling party voice-print identification system for voice message screening, and Weinman generally discloses an enhanced network and customer premise equipment personal directory. Akhteruzzaman and Weinman, however,

do not combine to disclose or suggest voicemail searching as claimed in the present application. Independent claim 1 of the present application claims:

> 1. A method for voicemail searching, the method comprising:
>
> storing, in association with a voicemail message, a voiceprint of a caller;
>
> storing at least one caller speech tag in association with the voiceprint;
>
> identifying, in dependence upon the voiceprint, a caller who leaves a voicemail message;
>
> receiving, from a particular voicemail user, at least one search keyword; and
>
> selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user.

Akhteruzzaman Neither Teaches Nor Suggests Storing, In Association With A Voicemail Message, A Voiceprint Of A Caller

The first element of claim 1 claims "storing, in association with a voicemail message, a voiceprint of a caller...." Regarding the first element of claim 1, the Office Action at page 2 states that Akhteruzzaman discloses:

> storing a speech characteristic (voice print) of a calling party in association with a voice message [Paragraph 0015, Step 211] [Paragraph 0017, Step 307]...

That is, the Office Action takes the position that Akhteruzzaman at paragraph 0015, step 211 and paragraph 0017, step 307 discloses the first element of claim 1. Applicants respectfully note in response, however, that what Akhteruzzaman at paragraph 0015, step 211, in fact discloses is:

> The speech analysis system 114A of the voice-print based voice message screening system 114 is activated by processor 114F at step 210 and retrieves at least a portion of the voice message to determine, at step 211, the speech characteristics of the calling party, which are stored in memory 114C in conjunction with the calling party tag. The determination of the

> calling party speech characteristics is accomplished by the use of a conventional speech analysis system 114A which outputs a standardized set of data that defines predetermined characteristics of the calling party's speech.

That is, Akhteruzzaman at paragraph 0015, step 211, discloses a speech analysis system that determines the speech characteristics of the calling party from a portion of a voice message. Akhteruzzaman's speech analysis system that determines the speech characteristics of the calling party from a portion of a voice message is not storing, in association with a voicemail message, a voiceprint of a caller as claimed in the present application. The speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application. Applicants at page 7, line 10, of the original specification describe voiceprints stating:

> The caller voiceprints are voice samples of callers who leave voicemail messages in a voicemail system for voicemail subscribers ("users").

The portion of Akhteruzzaman quoted above, however, make clear that the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at paragraph 0015, step 211, does not even mention 'storing, in association with a voicemail message, a voiceprint of a caller.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Akhteruzzaman at paragraph 0017, step 307, Applicants respectfully note that what Akhteruzzaman at paragraph 0017, step 307, in fact discloses is:

> The voice recognition system 114B of the voice-print based voice message screening system 114 at step 307 attempts to compare the speech characteristics of the calling party, as determined by the speech analysis system 114A, with the sets of stored speech characteristics that are stored in memory 114C for calling parties that have been identified by the subscriber. If there is a match determined by the voice recognition system

> 114B, at step 307 the processor 114F of the voice-print based voice message screening system 114 associates the calling party tag that has been stored in memory 114C by the subscriber for this calling party with the voice message. If no match occurs, processing terminates.

That is, Akhteruzzaman at paragraph 0017, step 307, discloses associating a calling party tag for a calling party with a voice message if the speech characteristics of a portion of the voice message match the speech characteristics already stored for the calling party. Akhteruzzaman's associating a calling party tag for a calling party with a voice message is not storing, in association with a voicemail message, a voiceprint of a caller as claimed in the present application. As explained above, the speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application because the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at paragraph 0017, step 307, does not even mention 'storing, in association with a voicemail message, a voiceprint of a caller.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Akhteruzzaman Neither Teaches Nor Suggests Storing At Least One Caller Speech Tag In Association With The Voiceprint

The second element of claim 1 claims "storing at least one caller speech tag in association with the voiceprint...." Regarding the second element of claim 1, the Office Action at page 3 states that Akhteruzzaman discloses:

> storing calling party tag (speech tag) [Paragraph 0015, Step 208 & Step 211] in conjunction with the speech characteristic (the voice print)...

That is, the Office Action takes the position that Akhteruzzaman at paragraph 0015, steps 208 and 211, disclose the second element of claim 1. Applicants respectfully note in response, however, that what Akhteruzzaman at paragraph 0015, steps 208 and 211, in fact discloses is:

> The subscriber at step 208 provides a calling party identification via voice input or keypad operation of subscriber telephone set 131-0 to assign a tag to the calling party. The voice-print based voice message screening system 114 stores the subscriber provided calling party tag in memory 114C at step 209 and processor 114F schedules the voice message for analysis. The speech analysis system 114A of the voice-print based voice message screening system 114 is activated by processor 114F at step 210 and retrieves at least a portion of the voice message to determine, at step 211, the speech characteristics of the calling party, which are stored in memory 114C in conjunction with the calling party tag. The determination of the calling party speech characteristics is accomplished by the use of a conventional speech analysis system 114A which outputs a standardized set of data that defines predetermined characteristics of the calling party's speech.

That is, Akhteruzzaman at paragraph 0015, steps 208 and 211, discloses a subscriber providing calling party identification to assign a tag to a calling party and a speech analysis system that determines the speech characteristics of the calling party from a portion of a voice message. Akhteruzzaman's disclosure of a subscriber providing calling party identification and a speech analysis system that determines the speech characteristics of the calling party from a portion of a voice message is not storing at least one caller speech tag in association with the voiceprint as claimed in the present application. As explained above, the speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application because the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at paragraph 0015, steps 208 and 211, does not mention 'storing at least one caller speech tag in association with the voiceprint.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Akhteruzzaman Neither Teaches Nor Suggests Identifying, In Dependence Upon The Voiceprint, A Caller Who Leaves A Voicemail Message

The third element of claim 1 claims "identifying, in dependence upon the voiceprint, a caller who leaves a voicemail message...." Regarding the third element of claim 1, the Office Action at page 3 states:

> identifying a calling party who leaves a voice message in dependence upon the speech characteristic [Paragraph 0015, Step 207 [Paragraph 0017, Step 305 & 307].

That is, the Office Action takes the position that Akhteruzzaman at paragraph 0015, step 207, and paragraph 0017, steps 305 and 307, discloses the third element of claim 1. Applicants respectfully note in response, however, that what Akhteruzzaman at paragraph 0015, step 207, in fact discloses is:

> At step 207, the subscriber is connected via the call redirection module 114E to the subscriber interface 114D of the voice-print based voice message screening system 114 and processor 114F prompts the subscriber for a calling party identification for use in future message waiting indications for the subscriber.

That is, Akhteruzzaman at paragraph 0015, step 207, discloses prompting a subscriber for a calling party identification. Akhteruzzaman's prompting a subscriber for a calling party identification is not identifying, in dependence upon the voiceprint, a caller who leaves a voicemail message as claimed in the present application. As explained above, the speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application because the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at paragraph 0015, step 207, does not mention 'identifying, in dependence upon the voiceprint, a caller who leaves a voicemail message.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Akhteruzzaman at paragraph 0017, steps 305 and 307, Applicants respectfully note that what Akhteruzzaman at paragraph 0017, steps 305 and 307, in fact discloses is:

> At step 305, the processor 114F activates the speech analysis system 114A of the voice-print based voice message screening system 114 to retrieve at least a portion of the voice message stored by the calling party and determines, at step 306, the speech characteristics of the calling party. The voice recognition system 114B of the voice-print based voice message screening system 114 at step 307 attempts to compare the speech characteristics of the calling party, as determined by the speech analysis system 114A, with the sets of stored speech characteristics that are stored in memory 114C for calling parties that have been identified by the subscriber. If there is a match determined by the voice recognition system 114B, at step 307 the processor 114F of the voice-print based voice message screening system 114 associates the calling party tag that has been stored in memory 114C by the subscriber for this calling party with the voice message. If no match occurs, processing terminates.

That is, Akhteruzzaman at paragraph 0017, steps 305 and 307, discloses retrieving at least a portion of the voice message and comparing the speech characteristics of the calling party with the sets of stored speech characteristics for calling parties that have been identified by a subscriber. Akhteruzzaman's retrieving at least a portion of the voice message and comparing the speech characteristics of the calling party is not identifying, in dependence upon the voiceprint, a caller who leaves a voicemail message as claimed in the present application. As explained above, the speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application because the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at paragraph 0017, steps 305 and 307, does not mention 'identifying, in dependence upon the voiceprint, a caller who leaves a voicemail message.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Weinman Neither Teaches Nor Suggests Receiving, From A Particular Voicemail User, At Least One Search Keyword

The fourth element of claim 1 claims "receiving, from a particular voicemail user, at least one search keyword...." The Office Action at page 3 admits that Akhteruzzaman does not disclose the fourth element of claim 1 and instead cites Weinman. As explained below, however, Weinman has nothing to do with searching voicemail as claimed in the present application and does not disclose or suggest the fourth element of claim 1. Regarding the fourth element of claim 1, the Office Action at page 3 states:

> Weinmann discloses the method of searching information from the listing stored in the personal storage directory (PSD) based on a voice print tag [Column 8, Line 51 – Column 9, Line 33] [Column 16, Line 61-22]. Weinmann teaches the claimed receiving step for receiving a search keyword i.e., subscriber spoken word for comparing the spoken word with the voice print tag in order to select the identified information from the PSD [Figure 1A & 4].

That is, the Office Action takes the position that Weinman at column 8, line 51, through column 9, line 33, and column 16, line 61, through column 17, line 22, discloses the fourth element of claim 1. Applicants respectfully note in response, however, that what Weinman at column 8, line 51, through column 9, line 33, in fact discloses is:

> Under embodiments of the present invention, the subscriber may be able to store a voice print tag corresponding to a listing in their PDL 152. When information is appended to the subscriber's 100 PDL 152 or to the subscriber's PSD 106, the subscriber may be prompted to append a voice print tag corresponding to the information. The voice print tag may be used to select an entry so as to, for example, add, retrieve, edit, or delete the corresponding information in the future. Accordingly, the subscriber may save the number for their mother, which may be stored in the PND as "Elizabeth Jones at 123 Elm Street," and add a voice print tag of, for example, "Mom." Thus the user may be able to retrieve the number by using the voice print tag at a later date. The voice print tag may be encoded and stored in, for example, the subscriber's PDL along with the corresponding information. The system in accordance with embodiments of the present invention may include a plurality of commands, for example, "add," "call," "edit," "find," "delete" or any other suitable commands that may be spoken by the subscriber 100 and recognized by the intelligent CPE 101 or by the subscriber's PND 110 in conjunction with the server 115. The system may use known voice recognition

> methods to recognize and effect the command. Thus, under embodiments of the present invention, the subscriber may combine the command with the voice print tag, for example, to complete a call to a called party. Thus, the subscriber may say "call Mom." A Voice Recognition Unit (VRU) in the CPE 101 or in the intelligent device 116 utilizing the communications protocol may recognize the command "call" and a central processor may attempt to find a match for the spoken word "Mom" with the previously stored and encoded voice print tag in the PDL. Once a match is found, the central processor may effect the recognized command, for example, "call" to the telephone number associated with the voice print tag and complete the call to "Mom". It is to be understood that the voice print tag is not limited to the telephone numbers in the subscriber's PDL 152, but may be used to download, execute, delete or edit any other information that may reside in the subscribers PSD, for example, the applications, games or other executables. In embodiments of the present invention, multiple voice print tags may index the same entry or alternatively, a single voice print tag may index multiple entries. For example, a single voice print tag may index and dial multiple telephone numbers. Accordingly, a subscriber may have two numbers for "Mom" stored in the PDL 152, for example, a work number and a home number. Accordingly, when the subscriber says, "call Mom," both numbers may be dialed simultaneously until one number connects, at which time the call to the other number may be terminated.

That is, Weinman at column 8, line 51, through column 9, line 33, discloses a system that recognizes voice commands and dials a callee's telephone number based on a voice print tag associated with the callee. Weinman's system that recognizes voice commands and dials a callee's telephone number based on a voice print tag associated with the callee is not receiving, from a particular voicemail user, at least one search keyword as claimed in the present application. In fact, Weinman at column 8, line 51, through column 9, line 33, does not even mention 'voicemail,' 'voicemail user,' 'keyword,' or 'receiving, from a particular voicemail user, at least one search keyword' because Weinman has nothing whatsoever to do with voicemail users or voicemail searching. Weinman is concerned with facilitating a caller placing a call to a callee by associating a word or phrase easily remembered by the caller with the callee's telephone number. For example, Weinman at column 8, line 51, through column 9, line 33, describes associating the word 'Mom' with the telephone number of a caller's mom so that the caller may simply say "call mom" to place a call to the caller's mom. Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of

Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Weinman at column 16, line 61, through column 17, line 22, Applicants note that what Weinman at column 16, line 61, through column 17, line 22, in fact discloses is:

> FIG. 4 relates to another embodiment of the present invention. As shown in step 401, PND service subscriber goes off hook or attempts to make a call via their CPE which may be their cell or digital phone, work phone, home phone or personal computer. The communications protocol is activated and the subscriber's PDL is displayed on the user's CPE display, as shown in step 402. The subscriber reviews their PDL to find the number of a called party, as shown in step 403. Under embodiments of the present invention, the subscriber may have previously stored the number of the called party with a voice print tag in the subscriber's voice, for example, "Mom." As discussed earlier, the subscriber's voice print tag may be encoded and stored with the associated information in the subscriber's PDL. Thus, the caller may retrieve the desired number by spelling out the called party's name on the key pad, scrolling or searching through the PDL or by saying "call Mom" into the CPE's microphone. In the latter case, the system of the present invention may recognize the command "call" and the voice print tag "Mom" and search for the matching voice print tag previously encoded and stored in the PDL. Once a match for the voice print tag is found, the system may proceed to effect the command on the voice print tag and complete the call. In embodiments of the present invention, the subscriber 100 may be able to activate and/or deactivate voice command processing by, for example, the key pad 206, one of the function keys 207 and/or a voice command such as "turn voice command on" or "turn voice command off" and or any other suitable voice command. As indicated earlier, such administrative information may be stored in the subscriber's personal configuration program file.

That is, Weinman at column 16, line 61, through column 17, line 22, discloses a system that recognizes voice commands and dials a callee's telephone number based on a voice print tag associated with the callee. Weinman's system that recognizes voice commands and dials a callee's telephone number based on a voice print tag associated with the callee is not receiving, from a particular voicemail user, at least one search keyword as claimed in the present application. In fact, Weinman at column 16, line 61, through column 17, line 22, does not even mention 'voicemail,' 'voicemail user,' 'keyword,' or 'receiving,

from a particular voicemail user, at least one search keyword' because Weinman has nothing whatsoever to do with voicemail users or voicemail searching. Weinman is concerned with facilitating a caller placing a call to a callee by associating a word or phrase easily remembered by the caller with the callee's telephone number. For example, Weinman at column 16, line 61, through column 17, line 22, describes associating the word 'Mom' with the telephone number of a caller's mom so that the caller may simply say "call mom" to place a call to the caller's mom. Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Akhteruzzaman Neither Teaches Nor Suggests Selecting, In Dependence Upon The Search Keyword And The Caller Speech Tag, One Or More Voicemail Messages For The Particular Voicemail User

The fifth element of claim 1 claims "selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user." Regarding the fifth element of claim 1, the Office Action at page 3states:

> Akhteruzzamann clearly teaches that the method is implemented to expedite the selecting of identified calling party voice message in which a calling party identification is based on a calling party speech tag [Paragraph 0018] [See Abstract and Summary] utilizing the corresponding means stated above.

That is, the Office Action takes the position that Akhteruzzaman at paragraph 0018, the Abstract, and the Summary discloses the fifth element of claim 1. Applicants respectfully note in response, however, that what Akhteruzzaman at paragraph 0018, in fact, discloses is:

> When the subscriber later activates the voice message system 102 to retrieve the voice message left by the calling party at step 308, the subscriber is provided with data indicative of the identity of the calling party. This can be an audible response pre-pended to the voice message so the subscriber can screen the incoming message. If the subscriber retrieves a text version of the voice message or has a display telephone station set,

> the voice-print based voice message screening system 114 outputs a text version of the subscriber provided calling party tag to provide the subscriber with a text-based calling party identification.

That is, Akhteruzzaman at paragraph 0018 discloses providing a subscriber with data indicative of the identity of the calling party of a voicemail. Akhteruzzaman's providing a subscriber with data indicative of the identity of the calling party of a voicemail is not selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user as claimed in the present application. As explained above, the speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application because the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at paragraph 0018 does not even mention 'keyword,' 'speech tag,' or 'selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Akhteruzzaman at the Abstract, Applicants respectfully note that what Akhteruzzaman at the Abstract in fact discloses is:

> The voice-print based voice message screening system enables a calling party to leave a voice message for the identified subscriber without the need to input any additional information. When the subscriber receives a voice message from a calling party, the subscriber can elect to add the calling party to the subscriber's calling party screening list by activating the voice-print based voice message screening system to register the calling party. The voice-print based voice message screening system stores data indicative of the subscriber's listed directory number, the calling party's number, the identity of the calling party as characterized by the subscriber, and also stores a small set of determined speech characteristics to identify the calling party. On a subsequently received call for the subscriber, the voice-print based voice message screening system analyzes the calling party's voice based on one or more parameters that can be managed by the subscriber to identify the calling party.

That is, Akhteruzzaman at the Abstract discloses voice-print based voice message screening system that enables a calling party to leave a voice message for the identified subscriber without the need to input any additional information. Akhteruzzaman's voice-print based voice message screening system is not selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user as claimed in the present application. As explained above, the speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application because the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at the Abstract does not even mention 'keyword,' 'speech tag,' or 'selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

Turning now to Akhteruzzaman at the Summary, Applicants respectfully note that what Akhteruzzaman at the Summary in fact teaches is:

> The voice-print based voice message screening system enables a calling party to leave a voice message for the identified subscriber without the need for the calling party to input any additional information. When the subscriber receives a voice message from a calling party, the subscriber can elect to add the calling party to the subscriber's calling party screening list by activating the voice-print based voice message screening system to register the calling party in an off-line processing mode.

That is, Akhteruzzaman at the Summary discloses voice-print based voice message screening system that enables a calling party to leave a voice message for the identified subscriber without the need to input any additional information. Akhteruzzaman's voice-print based voice message screening system is not selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user as claimed in the present application. As explained above, the

speech characteristics of Akhteruzzaman are not voiceprints as claimed in the present application because the speech characteristics of Akhteruzzaman are a standardized set of data that defines predetermined characteristics of the calling party's speech—not voice samples. Furthermore, Akhteruzzaman at the Summary does not even mention 'keyword,' 'speech tag,' or 'selecting, in dependence upon the search keyword and the caller speech tag, one or more voicemail messages for the particular voicemail user.' Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element and limitation of Applicants' claims, the proposed combination of Akhteruzzaman and Weinman does not establish a prima facie case of obviousness, and the rejections should be withdrawn.

No Suggestion or Motivation To Combine Akhteruzzaman And Weinman

To establish a prima facie case of obviousness, there must be a suggestion or motivation to combine Akhteruzzaman and Weinman. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The suggestion or motivation to combine Akhteruzzaman and Weinman must come from the teaching of either Akhteruzzaman or Weinman itself, and the Examiner must explicitly point to the teaching within either Akhteruzzaman or Weinman suggesting the proposed modification. Absent such a showing, the Examiner has impermissibly used "hindsight" occasioned by Applicants' own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 U.S.P.Q.2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.2d 488m 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F,.2d 115, 117, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989).

The Office Action makes no mention whatsoever of any place in any of the references that suggests or that provides any motivation for the proposed combination of Akhteruzzaman and Weinman. Instead, the Office Action at page 3 merely asserts that the combination of Akhteruzzaman and Weinman would be obvious to one of ordinary skill in the art. Such a bare assertion incorporates "hindsight" from the present application that is impermissible under *In re Surko*. Because the Office Action does not

establish a prima facie case for obviousness, the rejections should be withdrawn, and the claims should be allowed.

In addition, neither Akhteruzzaman nor Weinman in fact suggest the combination. Akhteruzzaman generally discloses a calling party voice-print identification system for voice message screening. Weinman is concerned with facilitating a call from a caller to a callee by associating a word or phrase easily remembered by the caller with the callee's telephone number that has nothing to do with Akhteruzzaman's voice message screening. Neither Akhteruzzaman nor Weinman, therefore, suggest or motivate the proposed combination. Because the Office Action does not establish a prima facie case for obviousness, the rejections should be withdrawn, and the claims should be allowed.

Relations Among Claims

Independent claim 1 claims method aspects of voicemail searching according to embodiments of the present invention. Independent claims 8 and 15 respectively claim system and computer program product aspects of voicemail searching according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 8 and 15 are allowable because claim 1 is allowable. The rejections of claims 8 and 15 therefore should be withdrawn, and claims 8 and 15 should be allowed.

Claims 3-5, 10-12, and 17-18 depend respectively from independent claims 1, 8, and 15. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element of the independent claims, so also the proposed combination of Akhteruzzaman and Weinman cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of claims 3-5, 10-12, and 17-18, therefore, should be withdrawn, and these claims also should be allowed.

CLAIM REJECTIONS – 35 U.S.C. §103 OVER AKHTERUZZAMAN IN VIEW OF WEINMAN IN FURTHER VIEW OF YUSCHIK

Claims 2, 9, and 16 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Akhteruzzaman, *et al.* (U.S. Publication No. US 20030169857 A1) in view of Weinman, Jr. (U.S. Patent No. US 6,658,455 B1) in further view of Yuschik (U.S. Publication No. US 20020152078 A1. To establish a prima facie case of obviousness, the proposed combination of Akhteruzzaman, Weinman, and Yuschik must teach or suggest all of the claim limitations of dependent claims 2, 9, and 16. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). The Office Action relies on the previous 35 U.S.C. § 103 rejection above combining Akhteruzzaman and Weinman to reject claims 2, 9, and 16. As Applicants have demonstrated above, the proposed combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element of independent claims 1, 8, and 15. Dependent claims 2, 9, and 16 depend from independent claims 1, 8, and 15 respectively and include all of the limitations of the claims from which they depend. Because the proposed combination of Akhteruzzaman, Weinman, and Yuschik relies on the argument that the proposed combination of Akhteruzzaman and Weinman discloses or suggests each and every element claims 1, 8, and 15, and because the combination of Akhteruzzaman and Weinman does not disclose or suggest each and every element claims 1, 8, and 15, the proposed combination of Akhteruzzaman, Weinman, and Yuschik cannot teach or suggest all the claim limitations of claims 2, 9, and 16. The proposed combination of Akhteruzzaman, Weinman, and Yuschik, therefore, cannot establish a prima facie case of obviousness, and the rejections should be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §102 OVER YUSCHIK

Claims 6 and 13 stand rejected under 35 U.S.C § 102(e) as being anticipated by Yuschik (U.S. Publication No. 2002/0152078 A1). To anticipate claims 6 and 13 under 35 U.S.C. § 102(e), two basic requirements must be met. The first requirement of anticipation is that Yuschik must disclose each and every element as set forth in Applicants' claims. The second requirement of anticipation is that Yuschik must enable Applicants' claims.

Yuschik does not meet either requirement and therefore does not anticipate Applicants' claims.

Yuschik Does Not Disclose Each and Every Element
Of The Claims Of The Present Application

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Yuschik discloses a voiceprint identification system that identifies and verifies a user and does not disclose each and every element of claim 6. Yuschik, therefore, cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102.

Independent claim 6 of the present application claims:

> 6. A method for voicemail searching, the method comprising:
>
> storing, in association with a voicemail message, caller identification data that identifies a caller;
>
> identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message;
>
> receiving at least one search keyword from a particular voicemail user; and
>
> selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user.

Yuschik Does Not Disclose Storing,
In Association With A Voicemail Message,
Caller Identification Data That Identifies A Caller

The first element of claim 6 claims "storing, in association with a voicemail message, caller identification data that identifies a caller...." Regarding the first element of claim 6, the Office Action at page 6 states that Yuschik discloses:

> storing the caller spoken name i.e., (caller identification date) [Paragraph 0049]...

That is, the Office Action takes the position that Yuschik at paragraph 0049 discloses the first element of claim 6. Applicants respectfully note in response, however, that what Yuschik at paragraph 0049, in fact discloses is:

> In an additional embodiment, cohorts are also maintained for callers. This allows numerous additional features, such as allowing the subscriber to retrieve only messages from a selected caller. This embodiment is illustrated in FIG. 7. First, when a caller starts to leave his message, the caller's name is captured 700. This can be done explicitly, by separately prompting the caller for his name and then his message. The caller's name can also be captured implicitly, by analyzing each spoken word during the first few seconds of the message using SI technology to identify a name, since when a caller leaves a message he customarily will say something like, "Hi this is Bob . . . "

That is, Yuschik at paragraph 0049 discloses identifying a caller from the caller's spoken name using Speaker-Independent ('SI') speech recognition technology. Yuschik's identifying a caller from the caller's spoken name using SI speech recognition technology is not storing, in association with a voicemail message, caller identification data that identifies a caller as claimed in the present application. In fact, Yuschik at paragraph 0049 does not even mention 'storing, in association with a voicemail message, caller identification data that identifies a caller,' storing caller identification data that identifies a caller, storing anything in association with a voicemail message, or storing anything at all. Because Yuschik does not disclose each and every element and limitation of Applicants' claims, Yuschik does not anticipate Applicants' claims, and the rejections should be withdrawn.

Yuschik Does Not Disclose Identifying, In Dependence Upon The Caller Identification Data, A Caller Who Leaves A New Voicemail Message

The second element of claim 6 claims "identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message...." Regarding the second element of claim 6, the Office Action at page 6 states that Yuschik discloses:

> identifying caller based on Speaker Dependent Technology in which the caller spoken name is associated with a voice message in order to retrieve the voice message in dependent upon the caller identification data [Paragraph 0050]...

That is, the Office Action takes the position that Yuschik at paragraph 0050 discloses the second element of claim 6. Applicants respectfully note in response, however, that what Yuschik at paragraph 0050, in fact discloses is:

> Then the system uses SI technology to identify the spoken name 702 (if not already done by the implicit process). Then, similar to the process used to index a subscriber's cohort, the caller's cohort is indexed 704. If more than one of the same name is present, for example if there are two people named "Bob" leaving messages, then SD technology is used to identify the appropriate caller

That is, Yuschik at paragraph 0050 discloses identifying the spoken name of a caller using SI technology and identifying a caller using Speech Dependent ('SD') technology. Yuschik's identifying the spoken name of a caller using SI technology and identifying a caller using SD technology is not identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message as claimed in the present application. Readers will recall from element 1 above that the caller identification data of claim 1 is stored in association with a voicemail message. As explained above, the cited portions of Yuschik make no mention whatsoever of caller identification data stored in association with a voicemail message. Yuschik at paragraph 0050, therefore, cannot be said to disclose identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message. Furthermore, Yuschik at paragraph 0050 does not even mention 'identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message.' Because. Yuschik does not disclose each and every element and limitation of Applicants' claims, Yuschik does not anticipate Applicants' claims, and the rejections should be withdrawn.

Yuschik Does Not Disclose Selecting, In Dependence Upon The Search Keyword And The Caller Identification Data, One Or More Voicemail Messages For The Particular Voicemail User

The fourth element of claim 6 claims "selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user." Regarding the fourth element of claim 6, the Office Action at page 7 states that Yuschik discloses:

> selecting one or more voice messages [Paragraph 0053] based on the spoken name of a caller and stored caller spoken name i.e., caller identification data.

That is, the Office Action takes the position that Yuschik at paragraph 0053 discloses the fourth element of claim 6. Applicants respectfully note in response, however, that what Yuschik at paragraph 0053, in fact discloses is:

> FIG. 8 illustrates the process by which the subscriber retrieves messages using the caller's cohort option. First, the subscriber says a name of a caller he wishes to hear messages from 800. Then, the system uses SI technology to index the caller's cohort 802. If more than one of the names exist (for example, two different "Bobs" have left messages) 804, then the system will play back each of the names spoken by the caller himself so that the subscriber can select which caller he desires 806. Then, all of the messages left by that particular caller are played 808. In addition, the subscriber has the option to designate special handling for this caller 810. For example, all future calls from this caller can be routed to his cell phone.

That is, Yuschik at paragraph 0053 discloses retrieving messages from a caller based on a caller name provided by a subscriber and a subscriber selection from the names of callers spoken by the callers themselves. Yuschik's retrieving messages from a caller is not selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user as claimed in the present application. Readers will recall from element 1 above that the caller identification data of claim 1 is stored in association with a voicemail message. As explained above, the cited portions of Yuschik make no mention whatsoever of caller identification data stored in association with a voicemail message. Yuschik at paragraph 0053, therefore, cannot be

said to disclose selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user. Furthermore, Yuschik at paragraph 0053 does not even mention 'search keyword,' 'caller identification data,' or 'selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user.' Because Yuschik does not disclose each and every element and limitation of Applicants' claims, Yuschik does not anticipate Applicants' claims, and the rejections should be withdrawn.

Yuschik Does Not Enable Each and Every Element
Of The Claims Of The Present Application

Not only must Yuschik disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants' claims, but also Yuschik must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the applicant's chemical compound. The court in Hoeksema stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Yuschik places Applicants' claims in the possession of a person of ordinary skill in the art, Yuschik is legally insufficient to anticipate Applicants' claims under 35 USC 102(e).

Yuschik does not place in possession of one skilled in the art independent claim 6 of the present application. Independent claim 6 of the present application claims:

> 6. A method for voicemail searching, the method comprising:
>
> storing, in association with a voicemail message, caller identification data that identifies a caller;

> identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message;
>
> receiving at least one search keyword from a particular voicemail user; and
>
> selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user.

Yuschik Does Not Place In Possession Of One Skilled In The Art Storing, In Association With A Voicemail Message, Caller Identification Data That Identifies A Caller

The first element of claim 6 claims "storing, in association with a voicemail message, caller identification data that identifies a caller...." Regarding the first element of claim 6, the Office Action at page 6 states that Yuschik discloses:

> storing the caller spoken name i.e., (caller identification date) [Paragraph 0049]...

That is, the Office Action takes the position that Yuschik at paragraph 0049 discloses the first element of claim 6. Applicants respectfully note in response, however, that what Yuschik at paragraph 0049, in fact discloses is:

> In an additional embodiment, cohorts are also maintained for callers. This allows numerous additional features, such as allowing the subscriber to retrieve only messages from a selected caller. This embodiment is illustrated in FIG. 7. First, when a caller starts to leave his message, the caller's name is captured 700. This can be done explicitly, by separately prompting the caller for his name and then his message. The caller's name can also be captured implicitly, by analyzing each spoken word during the first few seconds of the message using SI technology to identify a name, since when a caller leaves a message he customarily will say something like, "Hi this is Bob . . . "

That is, Yuschik at paragraph 0049 discloses identifying a caller from the caller's spoken name using Speaker-Independent ('SI') speech recognition technology. Yuschik's identifying a caller from the caller's spoken name using SI speech recognition technology is not storing, in association with a voicemail message, caller identification data that

identifies a caller as claimed in the present application. In fact, Yuschik at paragraph 0049 does not even mention 'storing, in association with a voicemail message, caller identification data that identifies a caller,' storing caller identification data that identifies a caller, storing anything in association with a voicemail message, or storing anything at all. Because Yuschik does not place in possession of one skilled in the art each and every element and limitation of Applicants' claims, Yuschik does not anticipate Applicants' claims, and the rejections should be withdrawn.

Yuschik Does Not Place In Possession Of One Skilled In The Art Identifying, In Dependence Upon The Caller Identification Data, A Caller Who Leaves A New Voicemail Message

The second element of claim 6 claims "identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message...." Regarding the second element of claim 6, the Office Action at page 6 states that Yuschik discloses:

> identifying caller based on Speaker Dependent Technology in which the caller spoken name is associated with a voice message in order to retrieve the voice message in dependent upon the caller identification data [Paragraph 0050]...

That is, the Office Action takes the position that Yuschik at paragraph 0050 discloses the second element of claim 6. Applicants respectfully note in response, however, that what Yuschik at paragraph 0050, in fact discloses is:

> Then the system uses SI technology to identify the spoken name 702 (if not already done by the implicit process). Then, similar to the process used to index a subscriber's cohort, the caller's cohort is indexed 704. If more than one of the same name is present, for example if there are two people named "Bob" leaving messages, then SD technology is used to identify the appropriate caller

That is, Yuschik at paragraph 0050 discloses identifying the spoken name of a caller using SI technology and identifying a caller using Speech Dependent ('SD') technology. Yuschik's identifying the spoken name of a caller using SI technology and identifying a caller using SD technology is not identifying, in dependence upon the caller identification data, a caller who leaves a new

voicemail message as claimed in the present application. Readers will recall from element 1 above that the caller identification data of claim 1 is stored in association with a voicemail message. As explained above, the cited portions of Yuschik make no mention whatsoever of caller identification data stored in association with a voicemail message. Yuschik at paragraph 0050, therefore, cannot be said to disclose identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message. Furthermore, Yuschik at paragraph 0050 does not even mention 'identifying, in dependence upon the caller identification data, a caller who leaves a new voicemail message.' Because Yuschik does not place in possession of one skilled in the art each and every element and limitation of Applicants' claims, Yuschik does not anticipate Applicants' claims, and the rejections should be withdrawn.

Yuschik Does Not Place In Possession Of One Skilled In The Art Selecting, In Dependence Upon The Search Keyword And The Caller Identification Data, One Or More Voicemail Messages For The Particular Voicemail User

The fourth element of claim 6 claims "selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user." Regarding the fourth element of claim 6, the Office Action at page 7 states that Yuschik discloses:

> selecting one or more voice messages [Paragraph 0053] based on the spoken name of a caller and stored caller spoken name i.e., caller identification data.

That is, the Office Action takes the position that Yuschik at paragraph 0053 discloses the fourth element of claim 6. Applicants respectfully note in response, however, that what Yuschik at paragraph 0053, in fact discloses is:

> FIG. 8 illustrates the process by which the subscriber retrieves messages using the caller's cohort option. First, the subscriber says a name of a caller he wishes to hear messages from 800. Then, the system uses SI technology to index the caller's cohort 802. If more than one of the names exist (for example, two different "Bobs" have left messages) 804, then the system will play back each of the names spoken by the caller himself so that the subscriber can select which caller he desires 806. Then, all of the

> messages left by that particular caller are played 808. In addition, the subscriber has the option to designate special handling for this caller 810. For example, all future calls from this caller can be routed to his cell phone.

That is, Yuschik at paragraph 0053 discloses retrieving messages from a caller based on a caller name provided by a subscriber and a subscriber selection from the names of callers spoken by the callers themselves. Yuschik's retrieving messages from a caller is not selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user as claimed in the present application. Readers will recall from element 1 above that the caller identification data of claim 1 is stored in association with a voicemail message. As explained above, the cited portions of Yuschik make no mention whatsoever of caller identification data stored in association with a voicemail message. Yuschik at paragraph 0053, therefore, cannot be said to disclose selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user. Furthermore, Yuschik at paragraph 0053 does not even mention 'search keyword,' 'caller identification data,' or 'selecting, in dependence upon the search keyword and the caller identification data, one or more voicemail messages for the particular voicemail user.' Because Yuschik does not place in possession of one skilled in the art each and every element and limitation of Applicants' claims, Yuschik does not anticipate Applicants' claims, and the rejections should be withdrawn.

Relations Among Claims

Independent claim 6 claims method aspects of voicemail searching according to embodiments of the present invention. Independent claims 13 and 19 respectively claim system and computer program product aspects of voicemail searching according to embodiments of the present invention. Claim 6 is allowable for the reasons set forth above. Claims 13 and 19 are allowable because claim 6 is allowable. The rejections of claims 13 and 19 therefore should be withdrawn, and claims 13 and 19 should be allowed.

CONCLUSION

Claims 1, 3-5, 8, 10-12, 15, and 17-19 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Akhteruzzaman, *et al.* (U.S. Publication No. US 20030169857 A1) in view of Weinman, Jr. (U.S. Patent No. US 6,658,455 B1). For the reasons set forth above, however, the proposed combination of Akhteruzzaman and Weinman fails to establish a prima face case of obviousness. The rejection of claims 1, 3-5, 8, 10-12, 15, and 17-19 should therefore be withdrawn, and the claims should be allowed. Reconsideration of claims 1, 3-5, 8, 10-12, 15, and 17-19 in light of the present remarks is respectfully requested.

Claims 6 and 13 stand rejected under 35 U.S.C § 102(e) as being anticipated by Yuschik (U.S. Publication No. 2002/0152078 A1). As explained above, Yuschik does not disclose each and every element of Applicants' claims and does not enable Applicants' claims. Yuschik therefore does not anticipate Applicants' claims. Claims 6 and 13 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 6 and 13.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: May 26, 2006 By: _____

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